

The written return is to be served and filed on or before 12-1, 1985.

1 FURTHER IT IS ALSO ORDERED that the Revocation of
2 Physcian's Certificate ordered by the Board of Medical
3 Quality Assurance in case number D-3224, L 33115, In the
4 Matter of the Accusation Against TAD E. LONERGAN, M.D., be
5 stayed until time set for hearing above.

6 Dated NOV 20 1985, 1985.

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8 THOMAS J. KEENAN

9 Judge of the Superior Court
10 COMMISSIONER
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BEFORE THE DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)
Against:)

TAD E. LONERGAN, M.D.)
Certificate No. A-19156)

Respondent.)

No. D-3224

L-33115

STAY ORDER

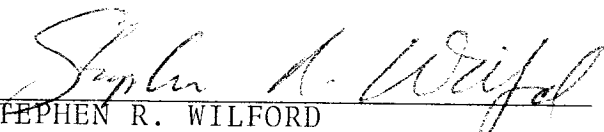
The Decision in this case, with an effective date of
October 25, 1985, is hereby stayed until November 20, 1985.

The new effective date of the Decision shall be
November 20, 1985.

Dated: October 25, 1985 .

DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE

By


STEPHEN R. WILFORD
Assistant Executive Director

BEFORE THE DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)
Against:)

TAD E. LONERGAN, M.D.)
Certificate No. A-19156)

Respondent.)
_____)

NO. D-3224

L-33115

DECISION

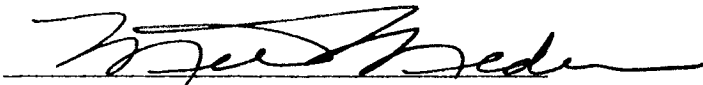
The attached Proposed Decision of the Medical Quality Review Committee is hereby adopted by the Division of Medical Quality of the Board of Medical Quality Assurance as its Decision in the above-entitled matter.

This Decision shall become effective on October 25, 1985.

IT IS SO ORDERED September 25, 1985.

DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE

BY: _____


MILLER MEDEARIS
Secretary-Treasurer
Division of Medical Quality

BEFORE THE DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)	
Against:)	
)	
TAD E. LONERGAN, M.D.)	NO. D-3224
17400 West Irvine Boulevard, #L)	
Tustin, California 92680)	L-33115
)	
Physician's and Surgeon's)	
Certificate Number A-19156)	
)	
Respondent.)	
)	

PROPOSED DECISION

This matter came on regularly for hearing before a Panel of District 13, Medical Quality Review Committee, at Costa Mesa, California, on July 18, 1985, at the hour of 1:00 p.m. Frank Britt, Administrative Law Judge of the Office of Administrative Hearings presided.

Panel members present were:

Donald T. Ogilvie, D.C.
Laurence Wellikson, M.D.
Pierre Haig, M.D.

Alan S. Meth, Deputy Attorney General, appeared and represented the Complainant.

Respondent was accorded service of process in compliance with Sections 11505 and 11509 of the Government Code; however, there was no appearance by or on behalf of the respondent. The matter was heard as a default pursuant to Section 11520(a) of said Code after a telephonic continuance request message was considered and denied by the Administrative Law Judge due to the failure of the respondent to establish good cause for the continuance under the provisions of Government Code Section 11524.

Oral and documentary evidence was introduced and the matter submitted. Thereafter the members of the Panel proceeded to consider the matter in executive session with the Administrative Law Judge present.

The Panel now finds the following facts:

I

Kenneth J. Wagstaff, is the Executive Director of the Board of Medical Quality Assurance of the State of California ("Board") and made and filed the accusation in his official capacity.

II

At all times herein mentioned herein respondent Tad E. Loneragan, M.D., held Physician's and Surgeon's Certificate Number A-19156 authorizing him to practice medicine in the State of California. The certificate was issued by the Board on July 1, 1970 and the record reflects that no prior disciplinary action has been filed against the respondent.

III

On March 9, 1983, Jessie Lou G. was admitted to Chapman General Hospital, 2601 E. Chapman Avenue, Orange, California, through the emergency room because of a syncopal attack while shopping. The preliminary diagnosis by the emergency room physician was syncopal episode and myocardial ischemia with a past history of cancer in the breast and stomach.

IV

The patient Jessie Lou G. was admitted to respondent's care and management on March 9, 1983, and was seen by respondent in the hospital on March 10, 1983. Respondent wrote an initial note and doctor's orders on March 10, 1983. The patient was discharged on March 15, 1983, without the respondent seeing said patient in the hospital between March 10, 1983 and her discharge.

V

In an undated discharge summary of patient, Jessie Lou G., the respondent included the following explanation in regards to the absence of progress notes on his patient.

"Inadvertently, the clinician on the case must make some statement in regards to the absence of progress notes. I saw the patient and was called away outside the country and, because of poor telephone

connections (waiting on the phone for five hours in Mexico City) I was unable to make contact with alternate physicians or even the office. It is a significant problem in communication for which the clinician feels responsible but yet offers the above explanation. This has been discussed with the patient and my office staff and the hospital has been apprised of the problem involved."

VI

The respondent, as set forth hereinabove, abandoned his patient, Jessie Lou G., and failed to provide appropriate medical coverage before he left said patient. The abandonment of the patient without providing appropriate medical coverage is an extreme departure from the standard of medical practice in the community and is an act of gross negligence.

* * * * *

Pursuant to the foregoing findings of fact, the Panel makes the following determination of issues:

Cause exists to suspend or revoke respondent's certificate pursuant to Business and Professions Code Sections 2227 and 2234, in that it was established by clear and convincing proof that the respondent is guilty of unprofessional conduct by reason of his gross negligence, within the meaning of Section 2234(b), of said Code, as set forth in paragraph VI, in conjunction with paragraphs IV and V of the Findings of Fact hereinabove.

* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

The physician's and surgeon's certificate number A-19156 heretofore issued to respondent by the Board, is hereby revoked; provided, however, execution of this order of revocation is hereby stayed and respondent is placed on probation for a period of five (5) years upon the following terms and conditions:

1. (a) Within 60 days of the effective date of this decision, respondent shall take and pass an oral clinical examination to be administered by the Division or its designee. If respondent fails to pass this examination he must wait three months between re-examinations, except that after three failures he must wait one year to take each re-examination thereafter. The Division shall pay the cost of the first examination and respondent shall pay the costs of any subsequent examinations.

(b) Respondent shall not practice medicine until he has passed this examination and has been so notified by the Division in writing.

2. (a) Within thirty (30) days of the effective date of this decision, and on a periodic basis thereafter as may be required by the Division or its designee, respondent shall undergo a psychiatric evaluation by a Division-appointed psychiatrist who shall furnish a psychiatric report to the Division or its designee.

(b) If respondent is required by the Division or its designee to undergo psychiatric treatment, respondent shall within thirty (30) days of the requirement notice submit to the Division for its prior approval the name and qualifications of a psychiatrist of respondent's choice. Upon approval of the treating psychiatrist, respondent shall undergo and continue psychiatric treatment until further notice from the Division. Respondent shall have the treating psychiatrist submit quarterly status reports to the Division.

(c) Respondent shall not engage in the practice of medicine until notified by the Division of its determination that respondent is mentally fit to practice safely.

3. Respondent shall comply with all laws of the United States, the State of California and its political subdivisions, and all rules and regulations of the Board of Medical Quality Assurance of the State of California.

4. Respondent shall report in person to the Division of Medical Quality or its agents or medical consultants at such meetings or interviews as may be directed during the period of probation.

5. Respondent shall submit to the Division of Medical Quality, at quarterly intervals, a declaration under penalty of perjury on forms provided by the Division, to the effect that he is fully and faithfully complying with all the terms and conditions of this probation. The first report shall be due when ordered by the Executive Director.

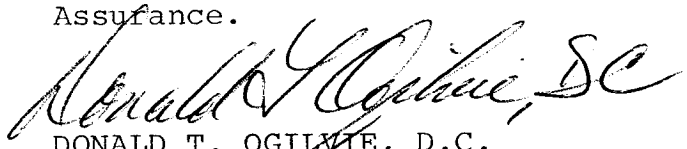
6. Respondent shall comply with the Divisions probation surveillance program. In connection therewith, respondent shall make himself and/or any facility over which he has cognizance available for inspection by authorized representatives of the Division at any time for the purpose of verifying respondent's compliance with the terms of his probation.

7. In the event respondent shall leave California to reside or to practice outside the State, respondent shall immediately notify the Division, in writing, of the dates of departure and return. Periods of residency or practice outside California will not apply to the reduction of this probationary period.

Upon full compliance with the terms and conditions herein set forth and upon the expiration of the probationary period, the certificate shall be restored to its full privileges; provided, however, that in the event respondent violates or fails to comply with any of the terms and conditions hereof, the Division, after giving respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is filed against respondent during probation, the Division shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

I hereby submit the foregoing which constitutes the Proposed Decision of the Panel, District 13, Medical Quality Review Committee, in the above-entitled matter as a result of the hearing had before said Panel at Costa Mesa, California, on July 18, 1985, and recommend that it be adopted as the decision of the Division of Medical Quality Assurance.

DATED: Aug 2, 1985


DONALD T. OGILVIE, D.C.
Acting Chairman

FB:mh

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of the State of California
2 ALAN S. METH, Deputy Attorney General
110 West A Street, Suite 700
3 San Diego, California 92101
Telephone: (619) 237-7224

4 Attorneys for Complainant
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7 BEFORE THE
8 DIVISION OF MEDICAL QUALITY
9 BOARD OF MEDICAL QUALITY ASSURANCE
10 DEPARTMENT OF CONSUMER AFFAIRS
11 STATE OF CALIFORNIA
12

13 In the Matter of the Accusation) NO. D-3224
Against:)

14 TAD E. LONERGAN, M.D.)
15 17400 West Irvine Boulevard, #L) ACCUSATION
Tustin, California 92680)

16 Physician's and Surgeon's)
17 Certificate Number A-19156)

18 Respondent.)
19

20 Complainant, Kenneth J. Wagstaff, alleges:

21 1. He is the Executive Director of the Board of
22 Medical Quality Assurance of the State of California ("Board")
23 and makes and files this accusation in his official capacity.

24 2. At all times herein mentioned respondent Tad E.
25 Lonergan, M.D., held Physician's and Surgeon's Certificate
26 Number A-19156 authorizing him to practice medicine in the State
27 of California.

1 3. Sections 2227 and 2234 of the Business and
2 Professions Code ("Code") provide that the Division of Medical
3 Quality of the Board of Medical Quality Assurance ("Division")
4 may suspend or revoke the license of any certificate holder who
5 has been guilty of unprofessional conduct. Unprofessional
6 conduct includes (b) gross negligence.

7 4. Respondent is subject to disciplinary action
8 pursuant to section 2234 of the Code in that:

9 A. On March 9, 1983, Jessie Lou G. was admitted to
10 Chapman General Hospital through the emergency room because of a
11 syncopal attack while shopping. The preliminary diagnosis by
12 the emergency room physician was syncopal episode and myocardial
13 ischemia with a past history of cancer in the breast and stomach.

14 B. The patient Jessie Lou G. was admitted to
15 respondent's care and management on or about March 9, 1983, and
16 was seen by respondent in the hospital on March 10, 1983.
17 Respondent wrote an initial note and doctor's orders on March
18 10, 1983, and a discharge summary. The patient was discharged
19 on March 15, 1983.


20 C. Respondent did not see Jessie Lou G. again while
21 she was in the hospital. Respondent instead abandoned his
22 patient by going to Mexico, and failed to provide appropriate
23 medical coverage before he left the patient.

24 WHEREFORE, complainant prays that the Division hold a
25 hearing on the matters alleged herein, and following said
26 hearing issue a decision:

1 1. Revoking or suspending Physician's and Surgeon's
2 Certificate No. A-19156 issued to Tad E. Lonergan, M.D.; and

3 2. Taking such other and further action as the
4 Division in its discretion deems proper.

5 DATED: August 7, 1984.

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7 
8 KENNETH J. WAGSTAFF
9 Executive Director
Board of Medical Quality Assurance
State of California

10 Complainant
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